

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

AMF BOWLING CENTERS, INC.;
BOWLERO CORP.

Plaintiffs,

vs.

THOMAS TANASE,

Defendant.

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CIVIL ACTION NO. 3:23-cv-00448

**MEMORANDUM IN SUPPORT OF MOTION TO SEAL PORTIONS OF PLAINTIFFS’
MEMORANDUM IN OPPOSITION TO DEFENDANT’S MOTION FOR LEAVE TO
FILE COUNTERCLAIM AND TO ADD AN ADDITIONAL PARTY**

Plaintiffs AMF Bowling Centers, Inc. and Bowlero Corp. (collectively, “Bowlero”), by their undersigned counsel, submit this Memorandum in Support of Plaintiffs’ Motion To Seal Portions of Plaintiffs’ Memorandum in Opposition to Defendant’s Motion for Leave to File Counterclaim and to Add an Additional Party (“Motion to Seal”). In compliance with Local Civil Rule 5, Bowlero has filed a Motion to Seal, a Proposed Order to Seal certain materials, and a Notice of Motion to Seal. In support of the Motion to Seal, Bowlero states as follows:

Bowlero has moved the Court for leave to file under seal portions of Plaintiffs’ Memorandum in Opposition to Defendant’s Motion for Leave to File Counterclaim and to Add an Additional Party (the “Opposition”) that reference or cite to the portions of Mr. Tanase’s March 11, 2024 deposition transcript that Mr. Tanase has designated Confidential under the Protective Order (ECF No. 39).

Pursuant to Local Civil Rule 5, this Court can order that portions of documents, whole documents, or even an entire case be placed under seal. There are three requirements for sealing court filings: (1) public notice with an opportunity to object; (2) consideration of less drastic

alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See, e.g., Trustees of Columbia Univ. in City of N.Y. v. NortonLifeLock, Inc.*, 2021 WL 8895279 (E.D. Va. Sept. 29, 2021) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). Here, these factors are satisfied.

First, Bowlero has met the public notice requirement by filing a separate Notice of the Motion to Seal for docketing. Public notice of the Motion to Seal is satisfied by docketing the motion “reasonably in advance of deciding the issue.” *See In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (cited by *Ashcraft*, 218 F.3d at 302). Regarding the second and third *Ashford* factors, Bowlero only seeks to seal the portions of its Opposition containing information that Mr. Tanase has designated Confidential, as Bowlero is required to do under the Protective Order.

The third *Ashcraft* consideration will be satisfied by the findings of fact in the Proposed Order that Bowlero has filed under Local Civil Rule 5(C). Bowlero is not seeking a blanket sealing of any of these documents. By only redacting portions of these documents, Bowlero has made all reasonable efforts to limit the materials sealed in compliance with the law of this Circuit. Short of sealing portions of Plaintiffs’ Opposition, there are no less drastic alternatives that enable Bowlero to comply with the Protective Order in filing its Opposition.

Conclusion

Accordingly, and in satisfaction of the requirements of Local Civil Rule 5(C), Bowlero respectfully asks the Court to maintain under seal the sealed portions of Plaintiffs’ Memorandum in Opposition to Defendant’s Motion for Leave to File Counterclaim and to Add an Additional Party.

Dated: April 4, 2024

Respectfully submitted,

**AMF BOWLING CENTERS, INC.
and BOWLERO CORP.**

/s/ Neil S. Talegaonkar

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2024, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel for Defendant Thomas Tanase:

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